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Meese Says Only 'Overze
Bureaucracy' Wants More

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Presidential counselor Edwin Meese III insisted last week that the White House is trying to "decrease the number of classified documents to those that actually are vital to the national security."

Speaking at a meeting of the National Newspaper Association here, Meese suggested that the current controversy over a draft executive order that could greatly expand government secrecy actually was the fault of an overzealous bureaucracy trying to have its own way.

"We are trying as an administration, the official policy is to decrease the number of classified documents to those that are actually vital to the national security and then do a better job of safeguarding those," Meese told the group of editors and publishers of weekly and small-sized daily newspapers.

"But I've got to admit," he continued, "that early on, as they always do, the bureaucracy tested us and they tried to expand classification. And so I think you'll find that that is being corrected in the current drafts of the classification executive order that is now being studied by us."

Despite Meese's remarks, none of the three drafts that have come to light thus far, including one sent out for comment over Meese's signature on Dec. 23, sets a "vital-to-the-national-security" standard for classifying government documents.

Instead, all three provided that a secrecy label must be affixed to any document whose unauthorized disclosure could reasonably be expected to cause "damage to the national security." The current standard is tighter, requiring "identifiable damage."

Meese's comments were reminiscent of his assurances to out-of-town editors at a White House luncheon last fall that there was "absolutely nothing" in a proposed executive order on intelligence "which will expand the ability of the CIA to engage in domestic spying."

When that order was made final last December, it had been toned down from earlier drafts, but it authorized the CIA for the first time to mount covert operations in the United States and to spy on unsuspecting Americans in this country in pursuit of "significant foreign intelligence."

The last known draft of the classification order was delivered to selected congressional committees for comment by the administration's Information Security Oversight Office. It drew a burst of unfavorable comment recently, including a letter of protest to the White House from House Intelligence Committee Chairman Edward P. Boland (D-Mass.).

Boland said the proposal "can only encourage overclassification" and lead to public disdain for the entire security classification system.

Under the administration draft that he reviewed, Boland said, "more information of dubious security relevance will be classified in the first place. Less information crucial to informed public debate will be declassified."

As a result, he protested, "both the interests of open government and the interests of legitimate secrecy will suffer. As [Supreme Court] Justice [Potter] Stewart pointed out, 'When everything is classified, nothing is classified.'"

The existing rules were laid down by President Carter in 1978. By contrast, the draft order would make it mandatory for government classifiers to affix "top secret," "secret" and "confidential" labels to applicable documents rather than discretionary, as at present. It would set a new rule of "when in doubt, classify," and would eliminate the 20-year rule for systematic declassification review of old records.

Boland made his remarks in a March 9 letter to President Reagan's national security adviser, William P. Clark. The Massachusetts Democrat indicated he was especially troubled by such changes as elimination of the "balancing test" whereby the public interest in access to government information is to be considered alongside the need to protect national security.

Four Republican members of the committee, on the other hand, praised the proposed changes in a separate letter to Clark on Feb. 24 and singled out the elimination of the "balancing test" as a step in the right direction.

Rep. J. Kenneth Robinson (R-Va.), the ranking minority member, and three of his GOP colleagues also saw the draft order as providing what they regard as needed roadblocks to the Freedom of Information Act.

Boland, however, said some of the draft order's provisions could "complicate, if not discourage," congressional consideration of administration-proposed changes in the act.

Citing several other changes he found troublesome, Boland said "a significant number of his committee's members think that Carter's 1978 order still is 'a sound document' and that the major changes that have been under consideration at the White House are 'unwise.'"

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